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FELONY WARRANT REQUEST DISPOSITION NOTICE

SAO WARRANT NO. 2365319
INTAKE ATTORNEY: Richard T. Simpson
AGENCY: Punta Gorda Police Department
AFFIANT: Justin D. Kleiver
SUSPECT: Ian Douglas McGuire
SAO RECEIVE DATE: 4/26/2017 10:43:36 AM

REQUESTED CHARGES

Number of Counts: 1 - Eavesdropping Illegal Interception Of Communication, F.S. 934.03 (1a),
Third Degree Felony

SAO DISPOSITION

1. Warrant Denied: 934.03 (1a)
Eavesdropping Illegal Interception Of Communication
Third Degree Felony
Prosecution Declined

If further evidence is developed as to any DENIED counts please resubmit with reference to
above SAO Warrant No.

/s/ Richard T. Simpson
Richard T. Simpson

April 27, 2017
DATE

ADDITIONAL COMMENTS:

It is a violation of Florida Statute 934.03 to intentionally intercept, endeavor to intercept, or procure another person to intercept or endeavor to intercept any wire, oral or electronic communication. A person does these acts when they use a device that is affixed to or otherwise transmits a signal through a wire, cable or other like connection used in wire communication; or such device transmits communication by radio or interferes with the transmission of such communication. The Office of the State Attorney was asked to consider whether videotaping by Ian McGuire in a city of Punta Gorda building is a violation of F.S. 934.03. It is not. A citizen's right to film government officials, in the discharge of their duties in a public place is a basic, vital, and well-established liberty safeguarded by the *First Amendment*. Moreover, openly recording falls plainly outside the type of clandestine recording targeted by F.S. 934.03. The restrictions intended by F.S. 934.03 apply to the secret use of devices, which intercept and then transmit a communication, or interfere with a communication. That is not what Mr. McGuire did.